UNITED STATES
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PERMANENT SELECT COMMITTEE
ON INTELLIGENCE
SUBCOMMITTEE ON OVERSIGHT

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TESTIMONY OF
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MR. CHAIRMAN. Thank you for this opportunity to comment on whether the Central Intelligence Agency should publish intelligence reports and studies in unclassified form. This is a practice I encouraged while I was Director of Central Intelligence, and I continue to believe that the Agency should provide this service to our citizens.

My position starts from a very simple premise. The basic presumption of our system of government is that the affairs and the work of the government should be open to the people, unless there is some substantial reason to the contrary. This presumption applies to the products of the intelligence community in the same fashion as it does to other elements of the government. It is particularly appropriate to apply it to modern American intelligence, since it so fundamentally differs from the traditional intel-

ligence stereotype of the spy service. The center of analytical research, the immense technological enterprise and the multibillion investment which constitute the modern American intelligence community simply cannot be treated as a traditional spy service whose very existence was denied by the monarchs it served.

The existence of this committee represents a recognition that American intelligence must be treated in a different fashion. An attempt to impose a doctrine of total secrecy on American intelligence would certainly fail. Just as the CIA building is used as a checkpoint by pilots approaching National Airport, the institution is simply too big and too obvious. Attempts to conceal what cannot be concealed are not only self-defeating, they are injurious. They create contempt and disregard for the real secrets which do need protection. This can be seen in recent news stories about the Soviet brigade in Cuba, reflecting leakage not only of the substance of the community's conclusions but of detailed descriptions of its intercepts and other sources.

There is a second reason for my position. The "need to know" doctrine has long been a fundamental of the intelligence discipline, as a basis for the community's compartmentation, classification and restricted handling practices. But the phrase "need to know" has another meaning than restraint. It also means a positive respon-

sibility that the results of our intelligence investment are provided to those with the "need to know." In the manner in which our government operates, it is clear that this need exists outside the national security elements of the Executive Branch, outside the particular committees of the Congress to whom classified material is made available and outside those favored journalists given background briefings. Many of the problems our nation faces lie outside the military and strategic dimension, in the disciplines of economics, sociology, psychology and political dynamics. Other elements of the Executive Branch and all members of Congress must certainly be informed about these challenges in order that they may fulfill their responsibilities to contribute to their solution.

And in America today, it is clear that an informed public is an essential element of any national policy. The various public interest groups concerned with any issue must be knowledgeable not only of the broad generalities but of many details of these matters. The concept of "need to know" then compels the wide distribution of relevant information, analysis and assessment so that the American body politic can work effectively.

A third reason for this practice is a more parochial one. It is essential that the American public come to an

accurate perception of modern intelligence and no longer believe it only an exotic world of espionage and intrigue. The best possible way for this to occur is to show the true product of our information collecting and analysis functions, that coming from technology and from scholarly research as well as traditional espionage sources. Provision of these reports and assessments can go far to clarify in the public mind the true nature of central intelligence and its value to our country.

These reasons in my mind are compelling, but I am not so naive as to think that no problems are inherent in the practice of publishing intelligence. It is obvious that concern must be given to the protection of our secret sources, be they human or technical, or we risk their termination. But this is not an insoluable problem. I believe that large proportions of our intelligence could be subjected to the principles and practices which long have characterized journalism, i.e. that the substance of the material can be published but the source be protected. We still do not know who Deep Throat was, but the entire nation was informed of what he had to say. I believe that a change in intelligence procedures to require the protection of the source in intelligence reports (rather than the present tendency to describe it to provide credibility) would better protect our sources than the present practice. Today, if the

substance is leaked, the source is frequently also exposed. A change in these procedures could allow the publication of the information and protect the sources better than they are protected today.

There are also factors other than source protection that must be considered. Some of these are in the international field. A CIA assessment of a friendly chief of state that found him dynamic, conscientious and of high integrity could be published without repercussion. But if the honest CIA assessment of that chief of state was that he was a corrupt, drunken buffoon, the issuance of the assessment with the seal of the CIA would at the minimum create a political storm in our relations with that country. Yet the American public does "need to know" that assessment so that it can properly make its decisions with respect to our government's relations with that government.

A similar problem could stem from publication of some of the clear evidence of our technological success. While the Soviet Union and the United States have agreed to respect each other's "national technical means of verification" of the Strategic Arms Limitations treaties between them, the dramatic revelation to other nations and even to the Soviet people of the degree and precision of American knowledge about things that are kept most secret by the Soviet authorities could force reactions

and representations. Some of the Third World countries are already murmuring about controlling technology, even outside their control, which reveals activities within their sovereign territories. These are the main inhibitions against publishing our satellite photographs, whose existence is certainly well known to the governments of the world, but whose stunning effect has been withheld from diplomatic debate.

This problem is also not insoluable, because the basis for the reaction lies primarily in official attribution of the information to the American government. Similar assessments and similar knowledge appearing without official attribution do not evoke the same reaction or do not subject the American goverment to the same formal protests and reaction. Thus the difficulty can be minimized if the governmentally acquired or produced information and assessments are not officially released. A number of potential private intermediaries exist to whom the material could be made available, who could reproduce it without official attribution. Many of these are at work today in the media, of course, but the Congress and particularly the Library of Congress are increasingly providing this function. The academic world and various public interest groups also offer vehicles for this technique to provide the substance of information to all those with the need to know but to minimize its international diplomatic effects. I would

even extend this process to the gradual release of satellite photography, at a pace which conditions the political arena gradually to its existence (as the LANDSAT photos partially have done), but which begins to share with all with a "need to know" the phenomenal scope and precision of this contribution to knowledge about our world.

There is one further area of difficulty, and this one is much harder to solve. An intelligence report or assessment which essentially supports the policies or programs of an administration can be released without much repercussion, unless it is so deliberately apart of the process of rallying support for the administration that its credibility is questioned. This difficulty can be minimized by regularizing the process of release, so that particular reports are subjected to no greater attack than the periodic statistics issued by the Bureau of Labor Statistics, the Treasury Department, and all the other fonts of basic information in Washington.

An alternative problem can also arise. The intelligence report or assessment may contradict the position of the Administration and provide ammunition to its opponents in the Congress or in the nation as a whole. A report that provided such aid and comfort to an international adversary would in good conscience be suppressed. On the domestic scene, however, the domestic opponents of the

Administration claim a "need to know" of such a report advantageous to their position. But release of such a report or assessment to these opponents could raise a conflict of loyalties and, in an egregious case, cast in doubt whether the Director of Central Intelligence still met the condition of his commission that he serve at the "pleasure" of the President. But the periodic appearance of a series of reports, whose accuracy became accepted over time, would not raise this issue of support or opposition, and would fit within a pattern of a regular statement of facts within which policy must be made. Again this is analogous to the regular publications of data by other departments, from Agriculture to HEW, which are looked to for their substantive value and not whether they support or oppose administration policy.

This review has shown that there are certainly reasons for publishing CIA reports and assessments and that there are complications in doing so. Perhaps a few guiding principles can be derived from the review, rather than trying to decide the question totally on one side or another.

The first, of course, is that basic reference material is normally subject to little objection or misinterpretation. The regular publication of the National

Basic Intelligence Fact Book, the periodic updates of the members of the governments of the different nations of the world, the maps and atlases -- all evoke little or no protest and make a positive contribution to the expansion and use of the accumulated knowledge of the agency.

Going beyond the compilation of specific data, periodic publications seem the next least objectionable. The Economic Weekly, the annual assessment of the Soviet and Chinese economies and the intelligence data incorporated in the Secretary of Defense's annual posture statements and frequent Department of State releases and publications generally arouse no protests. On occasions, these do generate dispute as to their conclusions from other sources of information or analysis, but the resulting debate frequently results in an improvement in the final product. A corollary of these publications is that the release of intelligence data by other branches of the Executive Department removes the still exotic reference to CIA. Thus, CIA agricultural estimates arouse attention if directly attributed but cause little concern or remark when published, even without change, by the Agriculture Department. The lesson is instructive that a substantial improvement in the contribution CIA might make to American trade, commerce and industry could come from an increased publication of its factual data and even its political risk analyses through Department of Commerce

channels, whereas direct dissemination can raise problems of favoritism among recipients, sensitivity in subject nations and industries and concern for liabilities inherent in CIA assurances or warnings. And perhaps it is in this pattern that the occasional inclusion of photographic evidence or illustration can move us toward a fuller use of this still (politically) sensitive intelligence product.

The occasional and special study obviously represents one further step up the ladder of sensitivity. The recent experience with CIA's estimate about the Soviet oil trade is a case in point, generating a quizzical reaction among some as to what CIA is doing in such a field. CIA's estimate as to the world oil trade was subjected to criticism when it was referred to by President Carter in launching his energy program. On balance, I come down very firmly in support of continued publication of such studies. In substance they are valuable and the CIA attribution should in time increase their credibility over the same material published by a Department directly promoting legislation on the subject. Certainly this was the attitude of Congressional committees looking to CIA for dispassionate estimates of military threats abroad in preference to the presentations of the military departments. Continuation of the practice can also build credibility in

CIA's work and a better understanding of its contribution to public decisionmaking.

The last category is what might be called the news item. Here, of course, source protection is frequently a greater consideration than in general reports and assessments. But here, also, the common practice is for the item to be released by the Department of State, Defense, etc. or to be leaked and thus appear through one of the intermediary sources such as the media or Congress. I doubt that anything very useful would be accomplished in this field by a program of CIA attributed releases, but it would probably be useful to regularize the present procedure so that it could become more predictable and less episodic. The recent stir over the Soviet brigade in Cuba is a case in point. A more deliberate process through which such items of information were released would permit them to be presented in their true proportions, and minimize the excess rhetoric from various sources which characterized that incident. But the development of such a procedure would require the conscious assumption of the obligation to move such information into the public domain, so that the question does not become whether it shall do so, but rather how.

Moving more of CIA's information and assessments into the public domain calls for one other comment. If this

material is to play a proper role in the consideration of alternative interpretations and potential policies, then it must be subjected to the kind of critical analysis that similar material receives in the open market of American opinion. To assist this, I strongly believe in the utility of assembling a number of part-time unofficial experts and panels whose views, insights and even prejudices can provide useful anvils upon which to hammer out better overall products. Whether these be formed according to their disciplines, different geographic areas or at high levels of generalist policy review, the Agency should be encouraged to include as many knowledgeable Americans as it can in the process of coming to the best possible answers.

This contribution should not only be made in coming to the conclusions, but these panels should also perform an energetic post-mortem role, criticizing weaknesses in previous performances and praising the commendable. They can hopefully bring into some better proportion the performance of the Agency over time, rather than allowing the air to be filled only with laments about the occasional intelligence failure and silence about the intelligence assessments which alert responsible authorities to the necessity to take action. These contributions of intelligence need equal recognition if the intelligence community is to retain the necessary support of the American people and the Congress to enable it to continue to function effectively.